THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION NO.27634 OF 2007

Date: 26.12.2007.

Between:
Nukala Srinivasa Rao, S/o.Adinarayana

…Petitioner.

and

The Tahasildar (MRO), Allavaram Mandal,
Allavaram, East Godavari District and another.

…Respondents

THE HON'BLE SRI JUSTICE V.ESWARAIAH

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ORDER:

It is the case of the petitioner that he is running a cycle repairing buddy shop in an extent of Ac.0.05 cents, situated in Survey No.220 of Gudala village, Allavaram Mandal of East Godavari district. While so, the Tahasildar, Allavaram Mandal issued a final notice under Section 6 of the A.P. Land Encroachment Act, 1905 calling upon the petitioner to vacate the said premises within three days on the ground that the petitioner occupied water canal bund. Aggrieved by the said final notice, the petitioner filed an appeal before the Revenue Divisional Officer, Allavaram on 12.12.2007 along with the application for grant of stay. It is stated that even before the disposal of the said appeal, the petitioner is sought to be dispossessed from the said site.

Having regard to the facts and circumstances of the case and without expressing any opinion on the merits of the case, if the appeal is filed on 12.12.2007 before respondent No.2 against the final notice of respondent No.1, dated 12.11.2007, respondent No.2 is directed to consider and dispose of the said appeal. Pending disposal of the said appeal, *status quo* obtaining as on today with regard to the possession of the said site admeasuring Ac.0.05 cents in Survey No.220 of Gudala village, Allavgaram Mandal, East Godavari district shall be maintained.

Accordingly, the Writ Petition is disposed of.

No order as to costs.

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V.ESWARAIAH, J.

Date:26.12.2007.
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